

United States District Court  
Northern District of Illinois  
Eastern Division

FILED

Oct 18, 2010

OCT 19 2010

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MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURTNicholas Solivan  
Plaintiff,

VS.

Thomas Dart, et al.  
Defendants.

CASE NO. 10C1703

Honorable Judge

Virginia M. Kendall

Magistrate Judge

Michael T. Mason

Plaintiff's Motion for An Order CompellingDiscovery

Now comes Nicholas Solivan, Pro-SE, to respectfully move this Honorable Court for an ~~order~~ pursuant to Rule 37(a) of the Federal Rules of Civil Procedure compelling Defendants Thomas Dart, et al. to produce for inspection and copying the following documents and information which are attached hereto. Plaintiff submitted written request for these documents and information, pursuant to Rule 34 of the Federal Rules of Civil Procedure on July 20<sup>th</sup>, 2010 and again on Sept. 30<sup>th</sup> 2010, but have yet recieved the documents and information.

On Sept. 30<sup>th</sup> 2010 during the Status hearing Defendants stated that all Documents and information requested by the Plaintiff would be served upon him within the next two weeks, but has failed to do so.

Defendants have failed to submit a motion or file any papers stating a reason for there delay to the courts or Plaintiff, After the time limits set by Federal Rules of Civil Procedure.

Defendant Thomas Dart is the Sheriff of Cook County Jail, and has access to what his subordinates know and all the information in record available to him. There for there is know substantial justification as to why none of the Documents or information has not been served upon the Plaintiff in the time limits set by Federal Rules of Civil Procedure.

In suport Plaintiff states:

- 1) Plaintiff is at a stand still unable to move foward with discovery due to the Defendants with holding Documents and information
- 2) Plaintiff is unable to get the identities to properly serve the unknown Defendants in this matter.
- 3) Defendants are with holding tangible Documents, and information, and crucial evidence in which the Plaintiff needs to justify certain facts in his complaint
- 4) Defendants failure to comply with Federal Rules of Civil Procedure, has caused a substantial Delay

in Plaintiff's Discovery, Defendants are fully aware that the Plaintiff is Pro-SE and in carcerated, and the times in which Discovery is set to close as well as other DEAD lines, hendering the Plaintiff to meet those DEAD lines by with holding those Documents, information and crucial evidence.

5) Plaintiff is unable to conduct a proper discovery such as serving unknow defendants, and for them to enter an appearance, getting interrogatories, Depositions, and to obtain the documents, information, and crucial evidence needed in this Discovery, in the times set by the Courts due to the Defendants failure to comply with the time limits set by Federal Rules of Civil Procedure

Plaintiff also moves this Honorable Court for an order pursuant to Rule 37 (a) (4) requiring the aforesaid Defendants to pay Plaintiff the sum of (\$300.00) Three hundred Dollars as reasonable expenses in obtaining this order, on the ground that the Defendants' refusal to produce the Documents and information, had no substantial justification.

WHEREFORE, the Plaintiff request that this court grant the following relief:

1) That this Honorable Court Order the Defendants to produce the documents and information to the Plaintiff, which are attached here to.

United States District Court  
Northern District of Illinois  
Eastern Division

Nicholas Solivan  
Plaintiff,

VS.

Thomas Dart, et al.  
Defendants.

CASE NO. 10C1703

Honorable Judge  
Virginia M. Kendall

Magistrate Judge  
Micheal T. Mason

Proof of Certificate of Service

TO: Clerk Office  
U.S. District Court  
219 South Dearborn Street  
Chicago IL 60604

TO: Scott A. Nehls #6290318  
Assistant States Attorney  
Tort/Civil Rights Litigation Section  
500 Richard J. Daley Center  
Chicago, IL 60602

Please Take Note that on Oct. 12<sup>th</sup>, 2010  
I have placed the documents listed below in the  
institutional mail at Lawrence Correctional Center  
Properly address to the parties listed above for  
mailing through the United States Postal Service:

Plaintiff's Motion for an Order Compelling Discovery

A copy is hereby served upon the opposing party!

Subscribed and Sworn to Before me this

12<sup>th</sup> Day of October 2010

Sarah A. Dunlap

Notary Public



Nicholas Solivan #K80171  
Lawrence Correctional Center  
R.R. 2, Box 31  
Sumner IL 62466

2) That ~~this~~ Honorable Court order pursuant to Rule 37(a)(4) the Aforesaid Defendants to pay Plaintiff the sum of (\$300.00) Three hundred Dollars, as Reasonable expenses in obtaining this order.

3) And to grant any other relief it deem necessary and just.

  
Nicholas Solivan


#K80171

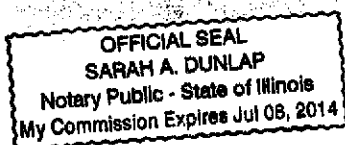
LAWRENCE Correctional Center

R. R. 2, Box 31

Sumner, IL 62466

Subscribed and Sworn to Before me this  
12<sup>th</sup> Day of October 2010

  
Notary Public



**RETURNED**

JUL 28 2010

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

Scott A. Nehls #6290318  
Assistant States Attorney  
Tort/Civil Rights Litigation Section  
500 Richard J. Daley Center  
Chicago, IL 60602

RE: Solivan v. Dart, 10 C 1703;  
Information of unknown Defendants Identities Request

Mr. Nehls

I am the Plaintiff and am representing my self  
Pro Se in this matter. Enclosed is a copy of  
the information I am requesting. I need the  
Identities of all unknown Defendants so they  
can be properly served in this matter as soon  
as possible.

Thank you for your cooperation in this matter

Nicholas Solivan

Nicholas Solivan

#K80171

% Lawrence Correctional Center

R. R. 2, Box 31

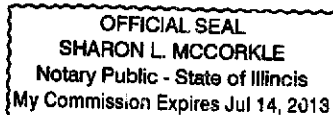
Sumner, IL, 62466

Subscribed and Sworn to Before me this

28th Day of July 2010

Sharon L. McCorkle

Notary Public



Mr. Nehls

I am requesting the following information;

1. The identities of all the unknown Defendants;  
First name, Last Name, Badge numbers, locations and  
any information on Jane and John Does, so the  
unknown Defendants can be properly summoned  
in this matter.

2. Identities of following Defendants:

- 1) Officer John Doe #1
- 2) SERGEANT John Doe #1
- 3) Lieutenant John Doe #1
- 4) Officer John Doe #2
- 5) SERGEANT John Doe #2
- 6) Officer John Doe #3
- 7) Officer John Doe #4
- 8) NURSE Jane/John Doe #1

Subscribed and Sworn to Before me this

10th Day of July 2010

Sharon L. McCorkle

Notary Public

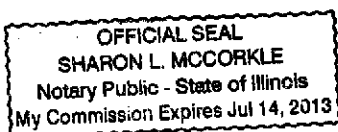
Nicholas Solivan

Nicholas Solivan #K80171

%Lawrence Correctional Center

P.R. 2, Box 31

Sumner IL 62466



Nicholas Solivan

-vs-

Tom Dart, et al.

} CASE NO. 10 C 1703  
Judge Virginia M. Kendall  
Magistrate Judge Micheal T. Mason

Proof And Certificate Of Service

TO: Clerk Office

title: US District Court

219 South Dearborn Street  
Chicago, IL 60604

TO: Scott A. Nehls #6290318

title: Assistant States Attorney

Tort/Civil Rights Litigation Section  
500 Richard J. Daley Center  
Chicago, IL 60602

Please Take Notice that on 7-20-2010  
I have placed the documents listed below in the  
institutional mail at Lawrence Correction Center,  
Properly address to the parties listed above  
for mailing through the United States Postal

SERVICE: Information of Unknown Defendants

Identities REQUEST

A copy is hereby served upon the opposing party!

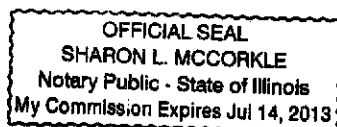
Subscribed and Sworn to Before me this

20th Day of July 2010

Sharon L. McCorkle  
Notary Public

Nicholas Solivan

Nicholas Solivan #K80171  
Lawrence Correctional Center  
R. R. 2, Box 31  
Sumner IL 62466





Scott A. Nehls #6290318  
Assistant States Attorney  
Tort/Civil Rights Litigation Section  
500 Richard J. Daley Center  
Chicago, IL 60602

United States District Court  
Northern District of Illinois

Nicholas Solivan  
Plaintiff

VS.

Thomas Dart, et al.  
Defendant

CASE NO. 10C1703

Judge Virginia M. Kendall  
Magistrate Judge Michael T. Mason

Plaintiff's Request for Production of Documents

Pursuant to Rule 34 of Federal Rules of Civil procedure, Plaintiff hereby request that Defendant produce for inspection and copying, the documents, Names of unknown Defendants and tangible things identified below within thirty (30) calendar days of the service of this Document request.

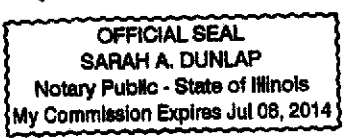
PLEASE TAKE NOTE: This is my second request for the Identities of unknown Defendants. First request made July, 20th, 2010

I am respectfully requesting this information again as well as other tangible things identified below.

Thank you for your cooperation in this matter

Subscribed and Sworn to Before me this  
14th Day of September 2010

Sarah A. Dunlap  
Notary Public



Nicholas Solivan  
Nicholas Solivan  
#K80171  
Lawrence Correctional Center  
R.R. 2, Box 31  
Sumner, IL 62466

Page 2 of 2

Mr. Nehls counsel for Thomas Dart, et al. in Case NO. 10 C 1703  
 I Nicholas Solivan the Plaintiff am requesting the following  
 Information:

1) The identities of all unknown defendants; including full names  
 and badge numbers of the following unknown Defendants:

1. Officer John Doe #1  
 2. Sergeant John Doe #1  
 3. Lieutenant John Doe #1  
 4. Officer John Doe #2

5. Sergeant John Doe #2  
 6. Officer John Doe #3  
 7. Officer John Doe #4  
 8. Nurse Jane/John Doe #1

2) Any and all medical records of Plaintiff From March, 3<sup>rd</sup> 2009  
 through and including the date of your response to this request.

3) Incident Report # 09-03-01-0065

4) Investigation Report to incident Report #09-03-01-0065

5) Video Tape # 09-01-033 Per Grievance from Cook Co.

6) Any and all rules, regulations, procedures, instructions, notes,  
 memoranda, internal communication, and directive in effect  
 from March, 3<sup>rd</sup> 2009 through and including the date of  
 your response to this request concerning all Cook County  
 Jail Staff/Employee's Assigned to Division 1 at the  
 Cook County Jail.

7) Any notes, documents, letters, memoranda, files, records, record books,  
 logs, work orders, Maintenance records, or written communication  
 concerning, Defects of cell doors for detainees located in Division 1  
 in effect March, 3<sup>rd</sup> 2009 through and including the date of your

Subscribed and Sworn to Before me this

14<sup>th</sup> Day of September 2010

Sarah A. Dunlap

Notary Public



Nicholas Solivan, #K80171  
 Lawrence Correctional Center  
 R. R. 2, Box 31  
 Sumner, IL 62466

United States District Court  
Northern District of Illinois

Nicholas Solivan  
Plaintiff

v.

Thomas Dart, Et al.  
Defendant

Case # 10 C 1703

) Judge Virginia M Kendall  
)  
)  
)  
) Magistrate Judge Michael T. Mason

Proof/Certificate of Service

To: Prisoner Correspondence  
Clerk's Office  
U.S. District Court  
219 South Dearborn St.  
Chicago IL 60604

To: Scott A Nehls #6290318  
Assistant State Attorney  
Tort/Civil Rights Litigation Section  
500 Richard J. Daley Center  
Chicago IL 60602

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PLEASE TAKE NOTICE that on Sept. 14<sup>th</sup>, 2010, I have placed the documents listed below in the institutional mail at Lawrence Correctional Center, properly addressed to the parties listed above for mailing in the United States Postal Service: \_\_\_\_\_

Plaintiff's request for production of documents

Pursuant to 28 USC 1746, 18 USC 1621 or 735 ILCS 5/109, I declare, under penalty of perjury, that I am a named party in the above action, that I have read the above documents, and that the information contained therein is true and correct to the best of my knowledge.

Date: Sept. 14<sup>th</sup>, 2010  
Subscribed and Sworn to Before me this  
14<sup>th</sup> Day of September 2010

Sarah A Dunlap  
Notary Public



181 Nicholas Solivan  
Name Nicholas Solivan  
IDOC# K80171  
Lawrence Correctional Center  
R.R.#2 Box 31  
Sumner, Illinois 62466